

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

WILLIAM TIMOTHY PERRIN, )  
Individually and on behalf of a class of )  
others similarly situated, )  
Plaintiffs, )  
vs. ) Case No. 4:09-CV-01335-AGF  
PAPA JOHN'S INTERNATIONAL, )  
INC., and PAPA JOHN'S USA, INC. )  
Defendants. )

**DEFENDANTS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**

Pursuant to Fed. R. Civ. P. 65(a), Defendants Papa John's International, Inc., and Papa John's USA, Inc., move this Court for an emergency temporary restraining order against counsel for Plaintiffs William Timothy Perrin and all persons who have opted-in to this collective action. Legal counsel for Plaintiffs have improperly solicited and communicated with putative plaintiffs in this action, and they must be restrained from having any further contact with them. Defendants also request that the Court enter an order allowing expedited discovery regarding Plaintiffs' counsel's improper solicitation, setting an evidentiary hearing to explore the full extent of the improper solicitation, and requiring Plaintiffs and their counsel to preserve all evidence of their improper solicitations of putative plaintiffs until further notice.

Defendants incorporate into this Motion by reference their arguments made in the Memorandum of Law filed herewith and have attached a proposed Order. Defendants attest that they have notified Plaintiffs, through their legal counsel, of their intent to file this Motion.

WHEREFORE, Defendants respectfully request the Court grant their Emergency Motion for a Temporary Restraining Order and order the further relief requested herein.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.

/s/ Eric A. Todd

---

Rodney A. Harrison, #44566MO  
Eric A. Todd, #46919MO  
Nathan J. Plumb, #56547MO  
7700 Bonhomme Avenue, Suite 650  
St. Louis, MO 63105  
(314) 802-3935  
(314) 802-3936 (*Facsimile*)  
rodney.harrison@ogletreedeakins.com  
eric.todd@ogletreedeakins.com  
nathan.plumb@ogletreedeakins.com

and

Patrick F. Hull, #4296711  
Park Central Plaza  
4717 Grand Avenue, Suite 300  
Kansas City, MO 64112  
(816) 471-1301  
(816) 471-1303 (*Facsimile*)  
patrick.hulla@ogletreedeakins.com

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 3rd day of November, 2010, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

George A. Hanson  
Richard M. Paul III  
Jack D. McInnes  
STUEVE SIEGEL HANSON LLP  
460 Nichols Road, Suite 200  
Kansas City, MO 64112  
(816) 714-7100  
(816) 714-7101 (*Facsimile*)

Mark A. Potashnick  
Ilya I. Ruvinskiy  
WEINHAUS & POTASHNICK  
11500 Olive Blvd., Suite 133  
St. Louis, MO 63141  
(314) 997-9150  
(314) 997-9170 (*Facsimile*)

**ATTORNEYS FOR PLAINTIFFS**

/s/ Eric A. Todd

**ATTORNEY FOR DEFENDANTS**

9377008.1 (OGLETREE)